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Programme budget for the biennium 2006-2007

Proposed programme budget for the biennium 2008-2009

Report of the Human Rights Council

Institution-building of the Human Rights Council

Programme budget implications of the draft resolution contained in document A/C.3/62/L.32

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Introduction

1. The Human Rights Council, on 18 June 2007, adopted resolution 5/1, entitled "Institution-building of the United Nations Human Rights Council".[1] In accordance with rule 153 of the rules of procedure of the General Assembly, the Council was provided with an oral statement of programme budget implications prior to the adoption of the resolution. In the oral statement, the Secretary-General noted that the Council was expected to continue into 2008 its review of the existing special mandates, which it began in September 2007. In that regard, the Secretary-General informed the Council that the related estimated additional requirements of $7,846,500 (excluding staff assessment) to implement resolution 5/1 would be reported to the Assembly at its sixty-second session, by which time the Council was expected to have concluded its review of those mandates.

2. With regard to conference-servicing requirements, the Council was informed of the full cost of the additional services to be provided as from the biennium 2008-2009 under section 2, General Assembly and Economic and Social Council affairs and conference management ($3,847,300), and section 28E, Administration, Geneva ($323,100), as well as the potential for absorption of the requirements within the

[1] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

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approved appropriations for the biennium 2006-2007, and the provisions of the proposed programme budget for 2008-2009.

3. It should be noted that additional resource requirements in respect of a number of the proposals in the text of the resolution have been addressed separately in the report of the Secretary-General on revised estimates relating to the implementation of Human Rights Council decision 3/104 (A/62/125), namely, for additional regular sessions, special sessions, high-level segments and organizational meetings of the Council. Therefore, only resource requirements relating to resolution 5/1 are detailed in the present statement of programme budget implications. This would constitute requirements over and above those submitted in the proposed programme budget for the biennium 2008-2009 and the above-mentioned report of the Secretary-General.

II. Requests contained in the draft resolution

4. Under the terms of the draft resolution contained in document A/C.3/62/L.32, the General Assembly, taking note of Human Rights Council resolution 5/1 of 18 June 2007, would welcome the text entitled "United Nations Human Rights Council: Institution-building", as contained in the annex to the draft resolution, including its appendices.

5. Under the terms of the text entitled "United Nations Human Rights Council: Institution-building", the Council established the modalities for a universal periodic review mechanism, special procedures, the Human Rights Council Advisory Committee and a complaint procedure.

6. As regards the universal periodic review mechanism, the Council decided that:

(a) The review would begin after the adoption of the mechanism by the Council;

(b) The periodicity of the review for the first cycle would be of four years, implying the consideration of 48 States per year during three sessions of the working group of two weeks' duration each;

(c) The review would be based on the following documents:

(i) Information prepared by the State concerned, which could take the form of a national report, on the basis of general guidelines to be adopted by the Council at its sixth session (first session of the second cycle), and any other information considered relevant by the State concerned, which could be presented either orally or in writing, provided that the written presentation summarizing the information did not exceed 20 pages;

(ii) Additionally, a compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, which should not exceed 10 pages;

(iii) Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review, which should also be taken into

consideration by the Council in the review. OHCHR would prepare a summary of such information that should not exceed 10 pages;

(d) The documents prepared by OHCHR should be elaborated following the structure of the general guidelines adopted by the Council regarding the information prepared by the State concerned;

(e) Both the State's written presentation and the summaries prepared by OHCHR should be ready six weeks prior to the review by the working group to ensure the distribution of documents simultaneously in the six official languages of the United Nations, in accordance with General Assembly resolution 53/208 B of 18 December 1998;

(f) The modalities of the review should be as follows:

(i) The review would be conducted in one working group, chaired by the President of the Council and composed of the 47 States members of the Council. Each member State would decide on the composition of its delegation;

(ii) Observer States would be able to participate in the review, including in the interactive dialogue;

(iii) Other relevant stakeholders would be able to attend the review in the working group;

(iv) A group of three rapporteurs, selected by the drawing of lots among the members of the Council and from different regional groups would be formed to facilitate each review, including the preparation of the report of the working group. OHCHR would provide the necessary assistance and expertise to the rapporteurs;

(v) Interactive dialogue between the country under review and the Council would take place in the working group;

(vi) The duration of the review would be three hours for each country in the working group. Additional time of up to one hour would be allocated for the consideration of the outcome by the plenary of the Council. Half an hour would be allocated for the adoption of the report of each country under review in the working group.

(g) The format of the outcome of the review would be a report consisting of a summary of the proceedings of the review process; conclusions and/or recommendations; and the voluntary commitments of the State concerned;

(h) The universal periodic review would be a cooperative mechanism. Its outcome could include (i) an assessment undertaken in an objective and transparent manner of the human rights situation in the country under review; (ii) sharing of best practices; (iii) the provision of technical assistance and capacity-building in consultation with, and with the consent of, the country concerned; and (iv) voluntary commitments and pledges made by the country under review;

(i) In considering the outcome of the universal periodic review, the Council would decide if and when any specific follow-up was necessary.

7. As regards the special procedures, the Council decided that:

(a) OHCHR should immediately prepare, maintain and periodically update a public list of eligible candidates in a standardized format, which should include personal data, areas of expertise and professional experience. Upcoming vacancies of mandates should be publicized;

(b) A consultative group would be established to propose to the President, at least one month before the beginning of the session in which the Council would consider the selection of mandate holders, a list of candidates who possessed the highest qualifications for the mandates in question and met the general criteria and particular requirements;

(c) At the beginning of the annual cycle of the Council, regional groups would be invited to appoint a member of the consultative group, who would serve in his or her personal capacity. The Group would be assisted by OHCHR.

8. The Human Rights Council Advisory Committee, composed of 18 experts serving in their personal capacity, will function as a think tank for the Council and work at its direction. The establishment of this subsidiary body and its functioning will be in accordance with the guidelines stipulated by the Council. The Advisory Committee will convene up to two sessions for a maximum of 10 working days per year. Additional sessions may be scheduled on an ad hoc basis with prior approval of the Council.

9. A complaint procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances. Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 as revised by resolution 2000/3 of 16 June 2000, served as a working basis and was improved where necessary, so as to ensure that the complaint procedure was impartial, objective, efficient, victim-oriented and conducted in a timely manner. The Council decided that:

(a) Two distinct working groups would be established, the Working Group on Communications and the Working Group on Situations, mandated to examine communications and to bring to the attention of the Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms;

(b) The Human Rights Council Advisory Committee would appoint five of its members, one from each regional group, with due consideration to gender balance, to constitute the Working Group on Communications;

(c) Each regional group would appoint a representative of a State member of the Council, with due consideration to gender balance, to serve on the Working Group on Situations. Members would be appointed for one year. Their mandate would be renewable once, if the State concerned were a member of the Council;

(d) Both Working Groups would meet at least twice a year for five working days each session, in order to promptly examine the communications received, including replies of States, and the situations of which the Council was already seized under the complaint procedure.

III. Relationship of the requests to the biennial programme plan and priorities for the period 2008-2009 and to the proposed programme of work and proposed programme budget for the biennium 2008-2009

10. The activities to be carried out relate to programme 1, General Assembly and Economic and Social Council affairs and conference management; subprogramme 2, Supporting human rights bodies and organs, of programme 19, Human rights; subprogramme 1, Strategic communication services, of programme 23, Public information; and subprogramme 4, Support services, of programme 24, Management and support services, of the biennial programme plan and priorities for the period 2008-2009.[2] They also fall under section 2, General Assembly and Economic and Social Council affairs and conference management (A/62/6 (Sect. 2)); section 23, Human rights (A/62/6 (Sect. 23 and Corr.1)); section 27, Public information (A/62/6 (Sect. 27)); and section 28E, Administration, Geneva (A/62/6 (Sect. 28E and Corr.1-2)), of the proposed programme budget for the biennium 2008-2009.

IV. Overall estimated additional requirements

11. Should the General Assembly adopt the draft resolution contained in document A/C.3/62/L.32, the overall estimated additional requirements arising from the implementation of Human Rights Council resolution 5/1 are estimated at $8,147,600, relating to additional requirements with respect to the proposed programme budget for the biennium 2008-2009, including an increase of $3,054,000 for posts and $5,093,600 in non-post resources, offset by $448,100 in income from staff assessment.

12. The overall estimated additional requirements of $8,147,600 projected in the present report for the proposed programme budget for the biennium 2008-2009 are reflected in tables 1 to 4 below. The present estimates constitute requirements over and above the provisions already made in the proposed programme budget for the biennium 2008-2009 and the report of the Secretary-General on the revised estimates relating to the programme budget for the biennium 2006-2007 and to the proposed programme budget for the biennium 2008-2009 and proposal related to unforeseen and extraordinary expenses arising from the implementation of decisions of the Human Rights Council (A/62/125).

13. The additional resources that will arise for the programme budget for the biennium 2006-2007 will be absorbed within available resources approved for that biennium.

[2] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 6* (A/61/6/Rev.1).

Table 1

Overall estimated additional requirements for the biennium 2008-2009

(Thousands of United States dollars)

Section	2006-2007 revised appropriation	Growth, 2008-2009: Proposed programme budget[a]	Growth, 2008-2009: Human Rights Council decision 3/104[b]	Growth, 2008-2009: Human Rights Council resolution 5/1	Total before recosting	Recosting	2008-2009 estimate
2. General Assembly and Economic and Social Council affairs and conference management	602 512.5	(12 453.5)	—	3 847.3	593 906.3	30 972.0	624 878.3
23. Human rights	90 554.0	17 143.2	1 019.7	3 149.0	111 865.9	5 340.7	117 206.6
27. Public information	178 851.8	497.2	1 356.8	353.7	181 059.5	10 617.7	191 677.2
28E. Administration, Geneva	107 192.8	186.1	952.1	349.5	108 680.5	3 515.3	112 195.8
35. Staff assessment	436 347.5	6 438.3	376.9	448.1	443 610.8	19 045.3	462 656.1
Total	**1 415 458.6**	**11 811.3**	**3 705.5**	**8 147.6**	**1 439 123.0**	**69 491.0**	**1 508 614.0**

[a] Growth under the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.

[b] See A/62/125.

Table 2

Estimated additional requirements for the biennium 2008-2009 by object of expenditure

Object of expenditure	Resources (thousands of United States dollars): 2006-2007 revised appropriation	Growth: Proposed programme budget for 2008-2009[a]	Growth: Human Rights Council decision 3/104[b]	Growth: Human Rights Council resolution 5/1	Total before recosting	Recosting	2008-2009 estimate
Posts	722 858.9	23 200.0	3 132.2	3 054.0	752 245.1	38 267.8	790 512.9
Other staff costs	79 455.8	(14 565.2)	(3 514.7)	4 080.3	65 456.2	3 275.0	68 731.2
Non-staff compensation	0.2	—	—	—	0.2	—	0.2
Consultants and experts	1 231.2	(303.3)	61.5	—	989.4	30.1	1 019.5
Travel of representatives	11 689.5	2 085.2	94.4	—	13 869.1	901.8	14 770.9
Travel of staff	4 807.5	(434.4)	215.9	43.4	4 632.4	301.5	4 933.9
Contractual services	37 973.8	(898.3)	2 648.3	78.0	39 801.8	2 269.8	42 071.6
General operating expenses	44 732.8	4 364.5	565.4	348.8	50 011.5	2 087.6	52 099.1
Hospitality	166.4	(14.0)	—	—	152.4	9.0	161.4
Supplies and materials	15 697.2	(3 223.9)	4.0	—	12 477.3	648.7	13 126.0
Furniture and equipment	12 139.6	(2 463.5)	121.6	95.0	9 892.7	531.4	10 424.1
Grants and contributions	48 358.2	(2 374.1)	—	—	45 984.1	2 123.0	48 107.1
Other	436 347.5	6 438.3	376.9	448.1	443 610.8	19 045.3	462 656.1
Total	**1 415 458.6**	**11 811.3**	**3 705.5**	**8 147.6**	**1 439 123.0**	**69 491.0**	**1 508 614.0**

[a] Growth under the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.

[b] See A/62/125.

Table 3
Overall estimated distribution of posts by section for the biennium 2008-2009

Section	2006-2007 revised appropriation	Growth, 2008-2009: Proposed programme budget[a]	Growth, 2008-2009: Human Rights Council decision 3/104[b]	Growth, 2008-2009: Human Rights Council resolution 5/1	Total growth 2008-2009	2008-2009 estimate
2. General Assembly and Economic and Social Council affairs and conference management	1 899	17	15	—	32	1 931
23. Human rights	275	36	5	18	59	334
27. Public information	748	—	—	—	—	748
28E. Administration, Geneva	301	—	—	—	—	301
35. Staff assessment	—	—	—	—	—	—
Total	**3 223**	**53**	**20**	**18**	**91**	**3 314**

[a] Growth under the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.
[b] See A/62/125.

Table 4
Overall estimated distribution of posts for the biennium 2008-2009 by grade

Grade	2006-2007 revised appropriation	Growth, 2008-2009: Proposed programme budget[a]	Growth, 2008-2009: Human Rights Council decision 3/104[b]	Growth, 2008-2009: Human Rights Council resolution 5/1	2008-2009 estimate
Professional category and above					
USG/DSG	3	—	—	—	3
ASG	2	—	—	—	2
D-2	12	3	—	—	15
D-1	50	4	—	—	54
P-5	238	15	12	—	265
P-4/3	1 075	19	19	18	1 131
P-2/1	121	2	1	—	124
Subtotal	**1 501**	**43**	**32**	**18**	**1 594**
General Service category					
Principal level	112	2	—	—	114
Other level	1 296	8	(12)	—	1 292
Subtotal	**1 408**	**10**	**(12)**	**—**	**1 406**

Grade	2006-2007 revised appropriation	Growth, 2008-2009: Proposed programme budget[a]	Growth, 2008-2009: Human Rights Council decision 3/104[b]	Growth, 2008-2009: Human Rights Council resolution 5/1	2008-2009 estimate
Other categories					
Local level	199	(5)	—	—	194
National Officer	39	5	—	—	44
Trades and Crafts	76	—	—	—	76
Subtotal	**314**	—	—	—	**314**
Total	**3 223**	**53**	**20**	**18**	**3 314**

[a] Growth under the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.
[b] See A/62/125.

V. Activities by which the proposals would be implemented and additional requirements by programme budget section

Section 2
General Assembly and Economic and Social Council affairs and conference management

Table 5
Requirements for the biennium 2008-2009 by object of expenditure

Object of expenditure	Resources (thousands of United States dollars): 2006-2007 revised appropriation	Growth: Proposed programme budget for 2008-2009[a]	Growth: Human Rights Council decision 3/104[b]	Growth: Human Rights Council resolution 5/1	Total before recosting	Recosting	2008-2009 estimate
Posts	453 214.9	6 150.7	2 383.2	—	461 748.8	24 005.9	485 754.7
Other staff costs	67 355.5	(13 948.2)	(4 483.2)	3 847.3	52 771.4	2 719.7	55 491.1
Travel of representatives	314.4	—	—	—	314.4	20.4	334.8
Travel of staff	338.4	—	—	—	338.4	22.2	360.6
Contractual services	15 047.0	(938.1)	2 100.0	—	16 208.9	908.0	17 116.9
General operating expenses	7 874.2	863.8	—	—	8 738.0	559.2	9 297.2
Hospitality	7.9	—	—	—	7.9	0.4	8.3
Supplies and materials	10 418.9	(2 357.3)	—	—	8 061.6	451.3	8 512.9
Furniture and equipment	5 413.9	(523.7)	—	—	4 890.2	318.0	5 208.2
Grants and contributions	42 527.4	(1 700.7)	—	—	40 826.7	1 966.9	42 793.6
Total	**602 512.5**	**(12 453.5)**	**—**	**3 847.3**	**593 906.3**	**30 972.0**	**624 878.3**

[a] Growth under the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.
[b] See A/62/125.

Conference management, Geneva
Subprogramme 2. Planning, development and coordination of conference services

14. In order to accommodate the projected additional workload arising from the implementation of Human Rights Council resolution 5/1, as outlined in paragraphs 5 to 9 above, the resource provisions proposed herein have taken into account the conference-servicing requirements of the Council as reflected in the Secretary-General's proposed programme budget for the biennium 2008-2009 (A/62/6 (Sect. 2)), as well as the proposal contained in his report A/62/125. It will be recalled that in paragraph 11 of that report, the Secretary-General stated that the resource provisions and working methods for the programme delivery of conference services at Geneva, as reflected in the proposed programme budget for the biennium 2008-2009 (A/62/6 (Sect. 2)), had been revisited to align capacity with expected output, with the aim of obtaining optimal use of resources. Further, in paragraph 15 of the same report it was stated that the resource provisions proposed therein did not take into account the decisions to be taken by the Human Rights Council in respect of paragraph 6 of General Assembly resolution 60/251.

15. Under the terms stipulated in the annex to Human Rights Council resolution 5/1, the conference-servicing implications of the establishment of the modalities for a universal periodic review mechanism, special procedures, the Human Rights Council Advisory Committee and a complaint procedure would be as follows:

(a) As regards the universal periodic review mechanism, conference-servicing requirements would arise to provide for six weeks of meetings per year for its working group starting from 2008;

(b) As regards the special procedures, a consultative group would be established, comprising representatives of five States. It is understood that the Group would meet from time to time in Geneva in an informal manner to propose to the President of the Council a list of candidates to be included in a public list that would be established by the secretariat. No conference-servicing resources would be required;

(c) As regards the Human Rights Council Advisory Committee, which would replace the former Subcommission on the Promotion and Protection of Human Rights, conference-servicing requirements would arise for two sessions of the Advisory Committee of five days' duration each (i.e., two weeks per year), which would be covered within the resource provisions approved for the former Subcommission to meet three weeks per year. Thus, no additional conference-servicing resources would be required. The resulting one-week savings in conference-servicing requirements vis-à-vis the existing provisions for the Subcommission would be used to offset requirements for an additional week of meetings of the Working Group on Situations under the complaint procedure (see subparagraph (d) below);

(d) As regards the complaint procedure, which would replace the procedure established pursuant to Economic and Social Council resolution 1503 (XLVIII), conference-servicing requirements would arise for the provision of two five-day sessions per year, or two weeks each, for the Working Group on Communications and the Working Group on Situations. Provisions for two weeks of meetings for the Working Group on Communications and one week for the Working Group on Situations under the former Commission on Human Rights and Subcommission

mandates were included in the 2006-2007 budget and have also been requested under the proposed programme budget for the biennium 2008-2009. The additional week of meetings for the Working Group on Situations would be offset by savings realized through the holding of meetings for one week less than the former Subcommission. Thus, no additional resources would be required.

16. The conference-servicing requirements estimated in the amount of $3,487,300 for the biennium 2008-2009, as detailed in table 5, which are in addition to the proposals contained in the proposed programme budget for the biennium 2008-2009 (A/62/6 (Sect. 2)) and the Secretary-General's report (A/62/125) under subprogramme 2, Planning, development and coordination of conference services for conference management in Geneva, relate solely to the servicing of six weeks of meetings of the universal periodic review mechanism working group per year, for a total of 60 meetings per year, with interpretation services in all six official languages, and pre-session, in-session and post-session documentation to be translated into all six official languages.

17. No modification is required to the programme of work under section 2 of the approved programme budget for the biennium 2006-2007 or the proposed programme budget for the biennium 2008-2009.

Section 23
Human rights

Table 6
Requirements for the biennium 2008-2009 by object of expenditure

	Resources (thousands of United States dollars)						
		Growth					
Object of expenditure	*2006-2007 revised appropriation*	*Proposed programme budget for 2008-2009*[a]	*Human Rights Council decision 3/104*[b]	*Human Rights Council resolution 5/1*	*Total before recosting*	*Recosting*	*2008-2009 estimate*
Posts	65 393.5	16 658.7	749.0	3 054.0	85 855.2	4 036.7	89 891.9
Other staff costs	3 104.6	(115.2)	67.6	—	3 057.0	89.4	3 146.4
Non-staff compensation	0.2	—	—	—	0.2	—	0.2
Consultants and experts	1 231.2	(303.3)	—	—	927.9	26.1	954.0
Travel of representatives	10 659.6	2 044.5	94.4	—	12 798.5	832.2	13 630.7
Travel of staff	3 374.6	(470.7)	87.9	—	2 991.8	194.6	3 186.4
Contractual services	1 142.0	244.0	—	—	1 386.0	38.9	1 424.9
General operating expenses	1 976.8	186.9	—	—	2 163.0	62.1	2 225.8
Hospitality	14.0	—	—	—	14.0	0.4	14.4
Supplies and materials	538.5	236.6	—	—	775.1	22.1	797.2
Furniture and equipment	859.6	(341.4)	20.8	95.0	634.0	19.1	653.1
Grants and contributions	2 259.4	(996.9)	—	—	1 262.5	19.1	1 281.6
Total	**90 554.0**	**17 143.2**	**1 019.7**	**3 149.0**	**111 865.9**	**5 340.7**	**117 206.6**

[a] Growth in the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.
[b] See A/62/125.

Table 7
Post requirements for the biennium 2008-2009

Grade	2006-2007 revised appropriation	Growth, 2008-2009			2008-2009 estimate
		Proposed programme budget[a]	Human Rights Council decision 3/104[b]	Human Rights Council resolution 5/1	
Professional category and above					
USG/DSG	1	—	—	—	1
ASG	1	—	—	—	1
D-2	3	2	—	—	5
D-1	6	4	—	—	10
P-5	36	5	—	—	41
P-4/3	139	15	4	18	176
P-2/1	18	—	1	—	19
Subtotal	**204**	**26**	**5**	**18**	**253**
General Service category					
Principal level	2	2	—	—	4
Other level	69	8	—	—	77
Subtotal	**71**	**10**	**—**	**—**	**81**
Total	**275**	**36**	**5**	**18**	**334**

[a] Growth in the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.
[b] See A/62/125.

Policymaking organs

18. As indicated in paragraph 8 above, the Human Rights Council Advisory Committee would replace the former Subcommission on the Promotion and Protection of Human Rights. The Council decided that the Advisory Committee would convene up to two sessions for a maximum of 10 working days per year. Additional sessions could be scheduled on an ad hoc basis with prior approval of the Council.

19. In order to implement the Council's decision, resources of $710,600 for travel and daily subsistence allowance for 18 members of the Advisory Committee attending two sessions annually would be needed under section 23, Human rights, starting from the biennium 2008-2009. Provisions for travel and daily subsistence allowance in the amount of $829,800 for the former Subcommission on the Promotion and Protection of Human Rights and its working groups have been maintained under the proposed programme budget for the biennium 2008-2009. It is proposed that part of the amount foreseen for the former Subcommission be reprogrammed for the Human Rights Council Advisory Committee. In the light of the continuing review by the Human Rights Council of its subsidiary machinery in response to General Assembly resolution 60/251, a consolidated statement of requirements arising from the continuing review and of potential absorptive capacity derived from reduced requirements resulting from the amended programme of work under the proposed programme budget for the biennium 2008-2009 will be provided to the General Assembly.

20. The complaint procedure would replace the procedure established pursuant to Economic and Social Council resolution 1503 (XLVIII). The Council has decided that two distinct Working Groups, the Working Group on Situations and the Working Group on Communications, will be established, mandated to examine communications and to bring to the attention of the Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms. A summary of the modalities of the Working Groups is provided in paragraph 9 above. The continuation or replacement of other working groups under the former Subcommission on the Promotion and Protection of Human Rights remains under consideration by the Council. It is therefore proposed that provisions already made under the proposed programme budget for the biennium 2008-2009 for the working groups of the former Subcommission be retained for the Working Group on Communications and other working groups still under consideration. Consequently, no additional resources will be required in the biennium 2008-2009.

Subprogramme 2
Supporting human rights bodies and organs

21. In paragraph 26 of A/62/125, the Secretary-General informed the General Assembly that resource requirements for the universal periodic review mechanism would be reviewed at the time the Council considered and took a decision on the modalities. As stated in paragraph 2 above, the Council was informed at its fifth session of the additional resources that would be required under section 23, Human rights, in response to the provisions of Human Rights Council resolution 5/1, described in paragraphs 5, 6, 8 and 9 above.

22. On the basis of the estimated workload statistics of the newly mandated universal periodic review mechanism, 21 posts would be required at the P-4 level. However, on the basis of an assessment that some of the work can be undertaken by other branches within the OHCHR organizational structure through the use of existing resources, a total of 17 new P-4 posts is proposed under section 23, Human rights, at an estimated cost of $2,910,400 (before recosting).

23. The 17 new posts are required to ensure the preparation of the relevant documents to be submitted for the review of each country during the sessions of the universal periodic review working group and for support to the rapporteurs in their review and preparation of the reports of the country groups. Each new P-4 post would be part of a team that (a) provides substantive support to the universal periodic review mechanism, through research, and the compilation, analysis, summary and maintenance of information, as well as by providing support to the universal periodic review working group and performing other substantive duties; (b) develops methodologies for the review and analysis of country human rights situations; (c) does research and compiles relevant information submitted to the existing treaty bodies, relevant information received by special procedures, as well as information processed by the latter, information from all relevant United Nations sources and documents, including pledges and commitments, and relevant information from non-governmental organizations and other relevant stakeholders; (d) analyses and summarizes all compiled information; (e) on the basis of information from the various sources, prepares consolidated reports (about 10 pages each) reflecting relevant issues that would facilitate the universal periodic review; (f) liaises with geographical desk officers and OHCHR country and regional field presences for the inclusion of the most up-to-date information on the general

situation of the country under review, including information on either existing or planned technical assistance projects; (g) supports the universal periodic review working group by, inter alia, preparing internal OHCHR analytical summaries of debates; (h) develops and maintains a database on indicators identified on the basis of information being collected by OHCHR through different human rights mechanisms; (i) and performs such other duties as may be required by the Chief and Deputy Chief of the Human Rights Council Branch.

Subprogramme 4
Support for human rights thematic fact-finding procedures

24. As indicated in paragraph 23.15 of the proposed programme budget for 2008-2009 (A/62/6 (Sect. 23 and Corr.1)), revisions were anticipated to the proposed programme budget for the biennium, stemming from decisions of the Human Rights Council such as those on the establishment of a consultative group and the preparation, maintenance and periodic update of a public list in relation to the Council's special procedure mechanism.

25. In response to the provisions of Human Rights Council resolution 5/1, relating to the public list and the consultative group (see para. 7 above), it is proposed to establish one new post at the P-3 level, at an estimated cost of $143,600 (before recosting). The incumbent would be responsible for developing, maintaining and updating a public list of candidates for positions of special procedure mandate holders, in accordance with Human Rights Council resolution 5/1, and establishing a selection procedure. The functions of the post would include publicizing vacancies, collecting candidatures and classifying candidates according to the technical criteria adopted by the Council. The incumbent would also serve as the primary point of contact within the secretariat to assist the consultative group, which will propose a list of candidates to the President of the Council.

26. For the biennium 2006-2007 any additional resource requirements resulting from the additional workload of the universal periodic review and special procedures mechanisms would be met through temporary arrangements as necessary.

27. In summary, under section 23, Human rights, a total of 18 new posts (17 P-4 and 1 P-3) would be required under the proposed programme budget for the biennium 2008-2009 (see table 7). In addition to the post requirements, resources would also be required in the amount of $95,000 for furniture and equipment relating to the proposed new posts.

28. Provisions have not been made under the proposed programme budget for the biennium 2008-2009 in relation to the above-mentioned activities. At this stage it does not appear possible to absorb the estimated additional requirements under section 23, Human rights, amounting to $3,149,000, as detailed in table 6. Therefore, an additional appropriation by the General Assembly would be required under section 23 for the biennium 2008-2009.

Modification of the programme of work for the bienniums 2006-2007 and 2008-2009

29. No modifications are required to the programme of work under section 23, Human rights, of the approved programme budget for the biennium 2006-2007.

30. Modifications required to the programme of work under section 23, Human rights, of the proposed programme budget for the biennium 2008-2009 (A/62/6 (Sect. 23 and Corr.1)) would consist of the following changes to programmatic narratives and outputs:

Subprogramme 2

(a) In paragraph 23.66 (a) (iii) (a), the words "meetings of the Human Rights Council in relation to the universal periodic review mechanism (60)" would be replaced by the words "meetings of the Human Rights Council in relation to the universal periodic review mechanism (120)";

(b) In paragraph 23.66 (a) (iii) (b), the words "reports of the Subcommission to the Commission on Human Rights (expert advice body) (2)" would be replaced by the words "reports of the Human Rights Council Advisory Committee to the Human Rights Council";

(c) In paragraph 23.66 (a) (xxiii), the words "Subcommission on the Promotion and Protection of Human Rights" would be replaced by the words "Human Rights Council Advisory Committee";

(d) In paragraph 23.66 (a) (xxiii) (a), the words "Working Group on Communications (40)" would be deleted;

(e) In paragraph 23.66 (a) (xxiii) (b), the words "annotations to the provisional agendas of the Subcommission on the Promotion and Protection of Human Rights (expert advice body) (8); reports of non-governmental organizations statements to the Subcommission on the Promotion and Protection of Human Rights (expert advice body) (2);" would be replaced by the words "annotations to the provisional agendas of the Human Rights Council Advisory Committee (8); reports of non-governmental organizations to the Human Rights Council Advisory Committee (2)";

(f) A new paragraph 23.66 (a) (xxv) would be inserted, reading "Working Group on Communications: substantive servicing of meetings: meetings of the Working Group on Communications (40)";

Subprogramme 4

(g) At the end of paragraph 23.85 (a) (ii) (a), the words "consultative group (24)" would be inserted;

(h) At the end of paragraph 23.85 (a) (ii) (b), the words "reports of the consultative group (12)" would be inserted;

(i) At the end of paragraph 23.85 (b) (i), the words "maintenance of public list of eligible candidates" would be inserted.

Section 27
Public information

Table 8
Requirements for the biennium 2008-2009 by object of expenditure

	Resources (thousands of United States dollars)						
		Growth					
Object of expenditure	*2006-2007 revised appropriation*	*Proposed programme budget for 2008-2009*[a]	*Human Rights Council decision 3/104*[b]	*Human Rights Council resolution 5/1*	*Total before recosting*	*Recosting*	*2008-2009 estimate*
Posts	138 932.2	544.8	—	—	139 477.0	8 012.6	147 489.6
Other staff costs	6 195.9	(544.9)	503.1	193.9	6 348.0	373.6	6 721.6
Consultants and experts	—	—	61.5	—	61.5	4.0	65.5
Travel of representatives	715.5	40.7	—	—	756.2	49.2	805.4
Travel of staff	1 003.0	36.3	128.0	43.4	1 210.7	78.6	1 289.3
Contractual services	17 258.3	(34.3)	408.2	78.0	17 710.2	1 123.3	18 833.5
General operating expenses	8 792.3	1 324.7	225.6	38.4	10 381.0	656.4	11 037.4
Hospitality	141.8	(14.0)	—	—	127.8	8.2	136.0
Supplies and materials	2 800.4	(752.0)	—	—	2 048.4	130.7	2 179.1
Furniture and equipment	2 571.7	(427.6)	30.4	—	2 174.5	132.4	2 306.9
Grants and contributions	440.7	323.5	—	—	764.2	48.7	812.9
Total	**178 851.8**	**497.2**	**1 356.8**	**353.7**	**181 059.5**	**10 617.7**	**191 677.2**

[a] Growth in the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.
[b] See A/62/125.

31. In order to implement the provisions of Human Rights Council resolution 5/1 (see paras. 5-9 above), it is estimated that the following additional resources, amounting to $353,700 (before recosting), as detailed in table 8, would be required under section 27, Public information:

(a) Information services requirements to provide for press, radio, television and photographic coverage;

(b) Webcasting services.

Press, radio, television and photographic coverage

32. As indicated in paragraph 6 (b) above, it is expected that an additional six weeks of meetings per year (12 weeks per biennium) will be required by the universal periodic review mechanism. This will entail regular press, radio, television and photographic coverage to be provided by the Department of Public Information through its Information Service at Geneva. As no provisions were made under the proposed programme budget for the biennium 2008-2009 for the coverage of the additional meetings, the total additional requirement under section 27, Public information, for press, radio, television and photographic coverage would amount to $194,500 for the biennium 2008-2009, as explained below.

33. The requirements over and above the proposals contained in the proposed programme budget for the biennium 2008-2009 (A/62/6 (Sect. 27)) under subprogramme 1, Strategic communications services, for the United Nations Information Service at Geneva, relate to:

(a) An increase in general temporary assistance resources for six temporary press officers (three working in English, three in French) for press coverage, two document clerks for 12 weeks and three radio/television producers and one production assistant for 6 weeks ($156,100);

(b) Contractual services for one photographer, one additional radio engineer and one news cameraman (to film press conferences, panel discussions, round-table meetings and other news events with portable cameras for the production of news stories) for six weeks ($38,400).

Webcasting of the universal periodic review

34. In respect of paragraphs 39 to 51 of the report of the Secretary-General (A/62/125), including the recommendation contained therein, interim measures for the biennium 2008-2009 regarding the option of the continuation of temporary capacity for webcast operations are proposed. The continuation of the temporary capacity using the United Nations webcast infrastructure would involve a Webcast Producer and Webcast Officer, both stationed in the News and Media Division at Headquarters, who would travel to Geneva to cover the universal periodic review for three weeks of meetings per year, or a total of six weeks for the biennium, and would entail additional requirements under section 27, Public information, for webcasting, amounting to $159,200 for the biennium 2008-2009. This would comprise:

(a) An amount of $78,000 for the United Nations Information Service at Geneva to cover: (i) contractual services for the hiring of three cameramen to film conference proceedings in their entirety, using fixed cameras ($39,600) and (ii) general operating expenses of $38,400 for the rental of cameras and television equipment, including lenses and tripods, and data processing and office automation equipment;

(b) An amount of $81,200 for the News and Media Division at Headquarters to cover: (i) other staff costs of $37,800 for general temporary assistance to handle the regular workload of the Webcast Producer and Webcast Officer who are covering the meetings of the universal periodic review and (ii) $43,400 for the travel of the Webcast Producer and Webcast Officer from New York to Geneva.

35. No modification is required to the programme of work under section 27, Public information, of the approved programme budget for the biennium 2006-2007 or the proposed programme budget for the biennium 2008-2009.

Section 28E
Administration, Geneva

Table 9
Requirements for the biennium 2008-2009 by object of expenditure

	Resources (thousands of United States dollars)						
		Growth					
Object of expenditure	*2006-2007 revised appropriation*	*Proposed programme budget for 2008-2009*[a]	*Human Rights Council decision 3/104*[b]	*Human Rights Council resolution 5/1*	*Total before recosting*	*Recosting*	*2008-2009 estimate*
Posts	65 318.3	(154.2)	—	—	65 164.1	2 212.6	67 376.7
Other staff costs	2 799.8	43.1	397.8	39.1	3 279.8	92.3	3 372.1
Consultants and experts	—	—	—	—	—	—	—
Travel of staff	91.5	—	—	—	91.5	6.1	97.6
Contractual services	4 526.5	(169.9)	140.1	—	4 496.7	199.6	4 696.3
General operating expenses	26 089.5	1 989.1	339.8	310.4	28 728.8	809.9	29 538.7
Hospitality	2.7	—	—	—	2.7	—	2.7
Supplies and materials	1 939.4	(351.2)	4.0	—	1 592.2	44.6	1 636.8
Furniture and equipment	3 294.4	(1 170.8)	70.4	—	2 194.0	61.9	2 255.9
Grants and contributions	3 130.7	—	—	—	3 130.7	88.3	3 219.0
Total	**107 192.8**	**186.1**	**952.1**	**349.5**	**108 680.5**	**3 515.3**	**112 195.8**

[a] Growth in the proposed programme budget does not take into account Human Rights Council decision 3/104, resolution 5/1 or other decisions in relation to paragraph 6 of General Assembly resolution 60/251.
[b] See A/62/125.

36. The implementation of the provisions of Human Rights Council resolution 5/1 (see paras. 5-9 above) will give rise to estimated additional resources under section 28E, Administration, Geneva, amounting to $349,500, as detailed in table 9. This relates to:

(a) A requirement of $39,100 under other staff costs to cover the cost of sound technicians to provide necessary services for meeting rooms and delegates for six weeks per year;

(b) A requirement of $310,400 under general operating expenses to cover the cost of the proposed 18 new posts to be supported by the United Nations Office at Geneva for (i) office space accommodation ($276,000) and (ii) telecommunications equipment ($34,400).

37. No modification is required to the programme of work under section 28E, Administration, Geneva, of the approved programme budget for the biennium 2006-2007 or the proposed programme budget for the biennium 2008-2009.

Section 35
Staff assessment

Table 10
Income from staff assessment

	Resources (thousands of United States dollars)						
		Growth					
Object of expenditure	*2006-2007 revised appropriation*	*Proposed programme budget for 2008-2009*	*Human Rights Council decision 3/104*[a]	*Human Rights Council resolution 5/1*	*Total before recosting*	*Recosting*	*2008-2009 estimate*
	436 347.5	6 438.3	376.9	448.1	443 610.8	19 045.3	462 656.1

[a] See A/62/125.

Income section 1
Income from staff assessment

38. The proposals for new posts presented under section 23, Human rights, for the biennium 2008-2009 (see table 7) will give rise to additional requirements for staff assessment under section 35, Staff assessment, in the amount of $448,100. This provision will be offset by a corresponding amount under income section 1, Income from staff assessment.

VI. Contingency fund

39. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditure derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

40. The adoption by the General Assembly of the draft resolution contained in document A/C.3/62/L.32 would entail additional resources in the total amount of $8,147,600 under the proposed programme budget for the biennium 2008-2009, including $3,847,300 under section 2, General Assembly and Economic and Social Council affairs and conference management; $3,149,000 under section 23, Human rights; $353,700 under section 27, Public information; $348,500 under section 28E, Administration, Geneva; and $448,100 under section 35, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment. This would represent a charge against the contingency fund and, as such, would require additional appropriations under the proposed programme budget for the biennium 2008-2009 to be approved by the General Assembly at its sixty-second session.

41. It is not possible at this stage to identify activities within sections 2, 23, 27 and 28E of the proposed programme budget for the biennium 2008-2009 that could be terminated, deferred, curtailed or modified during the biennium in order to meet the additional requirements.

VII. Conclusions

42. The total overall additional requirements of $8,147,600 under the regular budget arising from activities in implementation of Human Rights Council resolution 5/1, recommended to the General Assembly for adoption in document A/C.3/62/L.32, would be required for sections 2, 23, 27, 28E and 35 of the proposed programme budget for the biennium 2008-2009, to be offset by an amount of $448,100 under income section 1. The additional resources required are broken down by budget section in table 11.

Table 11
Additional requirements arising from the implementation of Human Rights Council resolution 5/1
(United States dollars)

	2006-2007	*2008-2009*
Section 2, General Assembly and Economic and Social Council affairs and conference management	—	3 847 300
Section 23, Human rights	—	3 149 000
Section 27, Public information	—	353 700
Section 28E, Administration, Geneva	—	349 500
Section 35, Staff assessment	—	448 100
Total	**—**	**8 147 600**

43. Eighteen new posts (17 P-4 and 1 P-3) are proposed under section 23, Human rights, for the biennium 2008-2009. It is envisaged that the preparatory work in the implementation of the universal periodic review mechanism, as set out in Human Rights Council resolution 5/1, will begin in the last quarter of 2007 and the related resource requirements will be met within the appropriation approved for the biennium 2006-2007 under section 23, Human rights.

44. The requirements estimated above do not take into account the decisions to be taken by the Human Rights Council in relation to paragraph 6 of General Assembly resolution 60/251, by which the Assembly decided that the Council should carry out a comprehensive review of all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights and that the Council should complete that review within one year after the holding of its first session. A consolidated statement of requirements arising from the continuing review by the Human Rights Council and of potential absorptive capacity derived from reduced requirements resulting from the amended programme of work under the proposed programme budget for the biennium 2008-2009 will be provided to the General Assembly.

VIII. Actions required of the General Assembly

45. Accordingly, should the General Assembly adopt the draft resolution contained in document A/C.3/62/L.32, additional resource requirements for the biennium 2008-2009 amounting to $8,147,600 (before recosting) would be required over and above the level of resources proposed in the programme budget for the biennium 2008-2009 under sections 2, 23, 27, 28E and 35. This would represent a charge against the contingency fund for the biennium 2008-2009. The requirements by budget section would be as follows:

(a) An increase of $3,847,300 under section 2, General Assembly and Economic and Social Council affairs and conference management;

(b) An increase of $3,149,000 under section 23, Human rights;

(c) An increase of $353,700 under section 27, Public information;

(d) An increase of $349,500 under section 28E, Administration, Geneva;

(e) An increase of $448,100 under section 35, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.

46. The General Assembly would also be requested to approve the proposed modifications to the programme narratives and outputs to be incorporated into the programme of work of section 23, Human rights, of the proposed programme budget for the biennium 2008-2009, as outlined in paragraph 30 above.

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Sixty-second session
Third Committee
Agenda item 68
Elimination of racism and racial discrimination

Belarus, Cuba, Kazakhstan, Kyrgyzstan, Russian Federation, South Africa, Sudan, Uzbekistan and Zimbabwe: draft resolution

Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005,[5] as well as General Assembly resolutions 60/143 of 16 December 2005 and 61/147 of 19 December 2006 on this issue and Assembly resolution 60/144 of 16 December 2005 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[5] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

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Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[6] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

Recalling equally the study undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[7] and taking note of his report,[8]

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

1. *Reaffirms* the provision of the Durban Declaration[6] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* over the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials as well as holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism;

3. *Also expresses* concern over recurring attempts to desecrate, demolish, remove or transfer monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons and urges States in this regard to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[9]

4. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;[10]

5. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

6. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization, and poison the minds of young people, and that those practices are incompatible with the obligations of

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[6] See A/CONF.189/12 and Corr.1, chap. I.

[7] E/CN.4/2005/18 and Add.1 and Add.1/Corr.1 and Add.2-6.

[8] See A/61/335.

[9] United Nations, *Treaty Series*, vol. 1125, No. 17512.

[10] See A/62/306.

States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

7. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

8. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

9. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

10. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

11. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

12. *Urges* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned task;

13. *Decides* to remain seized of the issue.

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Sixty-second session
Third Committee
Agenda item 69
Right of peoples to self-determination

Angola, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Iran (Islamic Republic of), Liberia, Nicaragua, Peru, South Africa, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 61/151 of 19 December 2006, and taking note of Commission on Human Rights resolution 2005/2 of 7 April 2005,[1]

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

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Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Concerned at the low level of ratification of and accession to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[5] and considering the possible future use of a model law to facilitate the accession of the States that wish to become parties to the Convention,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in Africa and other places and the threat they pose to the integrity of and respect for the constitutional order of those countries,

Concerned by the new modalities of mercenarism and the fact that the recruitment of former military personnel and ex-policemen by private military and private security companies to serve in their employ as "security guards" in zones of armed conflict seems to be continuing,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[6]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly,

[4] Resolution 2625 (XXV), annex.

[5] United Nations, *Treaty Series*, vol. 2163, No. 37789.

[6] See A/62/301.

financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries, including nationals, by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of these companies in order to ensure that imported services provided by these private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Calls upon* all States that have not yet done so to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[5]

8. *Welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Condemns* mercenary activities in Africa, and commends the Governments of Africa on their collaboration in thwarting those illegal actions, which have posed a threat to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination;

10. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

13. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session;[7]

[7] See E/CN.4/2004/15, para. 47.

14. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

15. *Expresses its appreciation* to the Office of the High Commissioner for its support for convening the regional governmental consultation for Latin American and Caribbean States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding effects of the activities of private military and security companies on the enjoyment of human rights, and requests the Office of the High Commissioner to convene other regional governmental consultations on this matter;

16. *Requests* the Working Group to continue to take into account, in the discharge of its mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities, and, in this regard, requests its members to continue to pay particular attention to the impact of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights and the exercise of the right of peoples to self-determination;

17. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

19. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-third session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

20. *Decides* to consider at its sixty-third session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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Sixty-second session
Third Committee
Agenda item 69
Right of peoples to self-determination

Afghanistan, Albania, Algeria, Angola, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Finland, France, Gabon, Gambia, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, Saint Lucia, Saint Vincent and Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Sweden, Switzerland, Togo, Tunisia, Turkey, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).

07-59147 (E) 121107

Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution 61/152 of 19 December 2006,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1.
[8] Ibid., advisory opinion, para. 88.
[9] Ibid., para. 122.

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Sixty-second session
Third Committee
Agenda item 42
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Benin, Luxembourg, Montenegro and the former Yugoslav Republic of Macedonia: draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2007/254 of 26 July 2007 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 29 November 2006 from the Permanent Representative of Benin to the United Nations addressed to the Secretary-General,[1] the letter dated 8 January 2007 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General,[2] the letter dated 28 June 2007 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General[3] and the note verbale dated 10 May 2007 from the Permanent Mission of Montenegro to the United Nations addressed to the Secretary-General,[4]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from seventy-two to seventy-six States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2008.

[1] E/2006/92.
[2] E/2007/11.
[3] E/2007/85.
[4] E/2007/86.

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Third Committee
Agenda item 68 (b)
Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Pakistan:* draft resolution

From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up and effective implementation of the Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolution 61/149 of 19 December 2006 in which it decided to convene the Durban Review Conference in 2009,

Noting all the relevant resolutions of the Commission on Human Rights on this subject and urging their full implementation,

Recalling Human Rights Council resolution 3/2 of 8 December 2006[1] on the preparations for the Durban Review Conference in 2009,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. A.

07-59663 (E) 141107

Recalling also the importance of Human Rights Council resolution 6/22 of 28 September 2007,[2] in which the Council regretted the lack of political will to translate the Durban commitments into concrete action and tangible results,

Taking note of Human Rights Council resolution 6/23 of 28 September 2007,[3] in which the Council looked forward to the General Assembly's providing political guidance and taking further decisions, as and when necessary, to ensure a smooth and successful Durban Review Conference with a relevant substantive outcome complementary to the Durban Declaration and Programme of Action,[4]

Underlining the urgent need to end posturing about racism and calling upon all States to resolutely end impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and to face the everyday realities and challenges of these scourges,

I
Convening of the Durban Review Conference

1. *Expresses its profound disappointment* at the fact that, six years after the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the major commitments undertaken in the Durban Declaration and Programme of Action[4] remain unfulfilled;

2. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its first session[5] and underlines that the second session of the Preparatory Committee will elaborate further on the date, duration and level of participation so as to ensure a smooth and successful Review Conference;

3. *Calls upon* Member States that are in a position to do so, to offer to host the regional preparatory conferences in their regions and to ensure the widest possible participation in these conferences, whose outcomes will contribute to the deliberations of the Preparatory Committee;

4. *Decides* that the intersessional working group of the Preparatory Committee for the Durban Review Conference shall perform functions and undertake activities compatible with, and complementary to, the goals of the Review Conference and that its primary objective shall be to commence negotiations with a view to consolidating the draft outcome document of the Conference;

5. *Notes with serious concern* that, in the sequel to the 2001 Durban World Conference, there is evidently no commitment for financial support to the Durban Review Conference from voluntary sources;

6. *Requests*, in the above context, the United Nations High Commissioner for Human Rights to put in place effective mechanisms to ensure the availability of adequate financial resources for the successful convening of the Durban Review Conference;

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[2] See A/HRC/6/L.11 (to be issued in final form as part of *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53)), chap. I, sect. A.

[3] Ibid.

[4] See A/CONF.189/12 and Corr.1, chap. I.

[5] A/62/375.

7. *Requests* the Secretary-General to allocate adequate funding, from the regular budget of the United Nations, for the regional preparatory conferences and the Durban Review Conference, including for the funding of delegations from least developed countries, as well as non-governmental organizations, in particular those from the developing countries;

II
International Convention on the Elimination of All Forms of Racial Discrimination

8. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[6] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

9. *Urges* Member States to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

10. *Regrets* the fact that the deadline set by the 2001 Durban World Conference for the universal ratification of the Convention has not been met;

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

11. *Welcomes* the decision of the Human Rights Council, through its resolution 6/21 of 28 September 2007,[7] to commence the process of the actual elaboration of the requisite legal instrument(s) complementary to the International Convention on the Elimination of All Forms of Racial Discrimination, and in this regard encourages the Council to continue its leadership and guidance of this process with a view to bringing it to an early and successful conclusion;

12. *Requests* the Human Rights Council to identify other issues in the Durban Declaration and Programme of Action requiring urgent follow-up and to ensure that its subsidiary mechanisms created for the comprehensive follow-up to and effective implementation of the Durban Declaration and Programme of Action prepare appropriate recommendations on such issues for the Council's consideration and eventual implementation;

13. *Also requests* the Human Rights Council to initiate close and effective collaboration between its subsidiary mechanisms and the independent eminent experts appointed by the Secretary-General to follow up the Durban Declaration and Programme of Action in order to ensure complementarity of efforts and to enhance effectiveness towards the achievement of the commitments undertaken in the Durban Declaration and Programme of Action;

14. *Endorses* the decision of the Human Rights Council, as contained in its resolution 6/22 of 28 September 2007,[2] to realign the work and name of the

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[6] United Nations, *Treaty Series*, vol. 660, No. 9464.

[7] See A/HRC/6/L.11 (to be issued in final form as part of *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53)), chap. I, sect. A.

Anti-Discrimination Unit in the Office of the United Nations High Commissioner for Human Rights so as to render them consistent with its mandate, and its decision that henceforth the Unit should be known as the "Anti-Racial Discrimination Unit" and that its operational activities should focus exclusively on racism, racial discrimination, xenophobia and related intolerance, as defined in paragraphs 1 and 2 of the Durban Declaration;

15. *Welcomes* the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

16. *Expresses its full support and appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

17. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

18. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Racial Discrimination Unit;

19. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit his reports to the General Assembly as required;

20. *Welcomes* the reports of the Special Rapporteur and draws the attention of all States to the key issues of concern raised in these reports, and in this regard calls on States to implement such recommendations;

V

General

21. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session;

22. *Decides* to remain seized of this important matter at its sixty-third session under an item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

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Third Committee
Agenda item 68 (b)
Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Pakistan:* revised draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which the Assembly decided to convene the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolution 61/149 of 19 December 2006, in which the Assembly decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action[1] to be conducted within the framework of the General Assembly, hereinafter referred to as the Durban Review Conference,

Noting, in the above context, the decisions of the Preparatory Committee for the Durban Review Conference at its organizational session,[2] including the decision on the objectives of the Durban Review Conference,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I

[2] A/62/375, annex I.

07-61618 (E) 281107

Noting also all the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

Taking note of the report of the Secretary-General[3] and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[4]

I
General principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

[3] A/62/480.

[4] See A/62/306.

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries;

12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[5] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action, to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64 of 20 April 2005[6] to the effect that, with one hundred and seventy-three ratifications and only forty-nine declarations, the deadline for universal ratification decided by the World Conference has, regrettably, not been realized;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee;

17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[7] and article 5 of the Convention;

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[5] United Nations, *Treaty Series*, vol. 660, No. 9464.

[6] *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[7] Resolution 217 A (III).

19. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination;

20. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

21. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[8]

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

22. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

23. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

24. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

25. *Reaffirms its commitment* to eliminate all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples and, in this regard, notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and with all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[9]

26. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

27. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full

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[8] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI, sect. E.

[9] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. A, resolution 1/2, annex.

implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

28. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

29. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

30. *Acknowledges and supports* the initiative led by the States members of the Caribbean Community and other member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

31. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

32. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

33. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

34. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

35. *Reaffirms* that the Human Rights Council shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

36. *Expresses its appreciation* for the continuing work in follow-up to the World Conference undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the group of independent eminent experts on the implementation of the Durban

Declaration and Programme of Action and the Working Group of Experts on People of African Descent;

37. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

38. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

39. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

40. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football, requests the Secretary-General to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies, and, in this regard, appreciates the joint efforts of the Government of Germany, the Secretary-General and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during the 2006 World Cup;

IV
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

41. *Expresses its full support and appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

42. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

43. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as

all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

44. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

45. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

46. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-third session;

47. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,[4] and urges Member States and other relevant stakeholders to consider implementing those recommendations;

48. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

49. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V
Convening of the Durban Review Conference

50. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its organizational session,[10] and underlines that the Preparatory Committee shall at its first substantive session, in accordance with its decision 1/14, discuss, inter alia, the organization of the work of the Durban Review Conference and other matters, including the venue, date, duration and precise level of participation;

51. *Calls upon* Member States that are in a position to do so to offer to host the regional preparatory conferences in their regions and to ensure the widest possible participation in these conferences, whose outcomes will contribute to the deliberations of the Preparatory Committee;

52. *Decides* that the intersessional working group of the Preparatory Committee for the Durban Review Conference shall perform functions and undertake activities compatible with the goals of the Review Conference and that its primary objective shall be to commence negotiations with a view to consolidating the draft outcome document of the Conference;

[10] A/62/375.

53. *Requests* the Secretary-General to allocate adequate funding from the regular budget of the United Nations for the regional preparatory conferences and the Durban Review Conference, including for the funding of delegations from least developed countries, as well as non-governmental organizations, in particular those from the developing countries;

VI
General

54. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session;

55. *Decides* to remain seized of this important matter at its sixty-third session under an item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

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Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Angola:* draft resolution

Report of the Human Rights Council on the preparations for the Durban Review Conference

The General Assembly,

Taking note of its resolution 61/149 of 19 December 2006 and Human Rights Council resolution 3/2 of 8 December 2006,

Recalling Human Rights Council decision 6/105 of 28 September 2007, in which the Council invited the Preparatory Committee for the Durban Review Conference to submit its reports to the General Assembly,

Bearing in mind that the modalities of the Review Conference have yet to be finalized,

1. *Welcomes* the Report of the Preparatory Committee on its first session,[1] including its annexes and appendices, in particular the decisions adopted by the organizational session of the Preparatory Committee;[2]

2. *Endorses* the decisions adopted by the organizational session of the Preparatory Committee.

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* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] A/62/375.

[2] Ibid., annex I.

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Third Committee
Agenda item 42
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mexico, Monaco, Netherlands, New Zealand, Nigeria, Norway, Peru, Poland, Portugal, Republic of Korea, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Zambia: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-eighth session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 12* (A/62/12).
[2] Ibid., *Supplement No. 12A* (A/62/12/Add.1).

they discharge their responsibilities, and underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-eighth session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

3. *Notes with appreciation* the important guidance provided in the Executive Committee conclusion on children at risk[3] to address issues of identification of these individuals and action to be taken in prevention, response and solutions;

4. *Reaffirms* the 1951 Convention relating to the Status of Refugees[4] and the 1967 Protocol thereto[5] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-seven States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

5. *Notes* that sixty-two States are now parties to the 1954 Convention relating to the Status of Stateless Persons[6] and that thirty-four States are parties to the 1961 Convention on the Reduction of Statelessness,[7] encourages States that have not done so to give consideration to acceding to these instruments, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Also re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

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[3] Ibid., chap.III, sect. A.

[4] United Nations, *Treaty Series*, vol. 189, No. 2545.

[5] Ibid., vol. 606, No. 8791.

[6] Ibid., vol. 360, No. 5158.

[7] Ibid., vol. 989, No. 14458.

8. *Further re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Takes note* of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the mandate of the Office for refugees and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

10. *Notes with appreciation* the process of structural and management change being undertaken by the Office of the High Commissioner, and encourages the Office to continue its pursuit of reforms, including the implementation of a results-based management framework and strategy, that enable it to respond adequately and in a more efficient manner to the needs of its beneficiaries and ensure effective and transparent use of its resources;

11. *Encourages* the Office of the High Commissioner to pursue its efforts to strengthen its capacity to adequately respond to emergencies and thereby ensure a more predictable response to inter-agency commitments in case of emergency;

12. *Strongly condemns* attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all concerned States and, where applicable, parties involved in an armed conflict to take all necessary measures to ensure respect for human rights and international humanitarian law;

13. *Deplores* the refoulement and unlawful expulsion of refugees and asylum-seekers, and calls upon all concerned States to ensure respect for relevant principles of refugee protection and human rights;

14. *Emphasizes* that international protection of refugees is a dynamic and protection-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

15. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and in ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and State policies, and also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women and children in particular;

16. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

17. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

18. *Recognizes* the importance of achieving durable solutions to refugee problems;

19. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non-governmental organizations and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes an approach to sustainable and timely return which encompasses repatriation, reintegration, rehabilitation and reconstruction activities, and encourages States, in cooperation with relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non-governmental organizations and development actors, to support, inter alia, through the allocation of funds, the implementation of such a framework to facilitate an effective transition from relief to development;

20. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

21. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, and the contribution that those States make to durable solutions to refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework of Understandings on Resettlement,[8] where appropriate and feasible;

22. *Notes* the progress that is being made by interested States and the Office of the High Commissioner to take forward elements outlined in the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America, adopted on 16 November 2004,[8] and expresses its support for the efforts to promote its implementation with the cooperation and assistance of the international community, as appropriate, as well as by supporting host communities that receive large numbers of persons who require international protection;

[8] Available from www.unhcr.org.

23. *Also notes* that some progress is being made by interested States and the Office of the High Commissioner within the context of the European-Asian Programme on Forced Displacement and Migration on issues related to asylum and forced displacement, consistent with the mandate of the Office;

24. *Further notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

25. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

26. *Notes* the increasing number of displaced in and from Iraq and the impact of those flows of persons on the social and economic situation of countries in the region, expresses its appreciation for the convening of an international conference in April 2007 in Geneva in order to sensitize the international community to the deteriorating plight of those persons inside Iraq and outside its borders, and calls upon the international community to act in a targeted and coordinated manner to provide protection and increased assistance to the persons displaced to enable the countries in the region to strengthen their capacity to respond to the needs in partnership with the Office of the High Commissioner, other United Nations agencies, the International Red Cross and Red Crescent Movement and non-governmental organizations;

27. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, in particular those that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition;

28. *Calls upon* the Office of the High Commissioner to further explore ways and means to broaden its donor base, so as to achieve greater burden-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

29. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[9] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003,

[9] Resolution 428 (V), annex.

58/270 of 23 December 2003, 59/170 of 20 December 2004, 60/129 of 16 December 2005 and 61/137 of 19 December 2006 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

30. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-third session.

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Sixty-second session
Third Committee
Agenda item 70 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belarus, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Grenada, Guyana, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Myanmar, Nigeria, Oman, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, Viet Nam and Zimbabwe: amendment to draft resolution A/C.3/62/L.29

Moratorium on the use of the death penalty

Replace the first preambular paragraph with the following:

Guided by the purposes and principles contained in the Charter of the United Nations, and recalling, in particular, Article 2, paragraph 7, which clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State,

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Moratorium on the use of the death penalty

Before operative paragraph 1, insert a new operative paragraph reading:

1. *Affirms* the sovereign right of States to determine the legal measures and penalties which are appropriate in their societies, including the death penalty for the most serious crimes, in accordance with international law;

and renumber the subsequent paragraphs accordingly.

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Moratorium on the use of the death penalty

After the first preambular paragraph, insert a new paragraph reading:

Reaffirming that every Member State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State,

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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Moratorium on the use of the death penalty

After the second preambular paragraph, add a new paragraph reading:

Recalling also that article 6, paragraph 2, of the International Covenant on Civil and Political Rights states that in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide,

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Moratorium on the use of the death penalty

Before the third preambular paragraph, insert a new paragraph reading:

Affirming that the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty imposes an obligation only on States parties to the Protocol to take all necessary measures to abolish the death penalty within their jurisdiction,

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Moratorium on the use of the death penalty

Replace the third preambular paragraph with the following:

Recalling also the resolutions on the question of the death penalty adopted by the Commission on Human Rights, the last being its resolution 2005/59, and the joint statements of disassociation, the last being contained in document E/CN.4/2005/G/40,

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Moratorium on the use of the death penalty

After the fourth preambular paragraph, insert a new paragraph reading:

Acknowledging that there is a great diversity of legal, social, economic and cultural conditions in the world, and that all rules are not suitable for application in all places and at all times,

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Moratorium on the use of the death penalty

Before the fifth preambular paragraph, insert a new paragraph reading:

Recognizing that many Member States maintain the death penalty in their statutes for the most serious crimes,

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Agenda item 70 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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Moratorium on the use of the death penalty

Replace the text of the fifth preambular paragraph with the following:

Recognizing that some Member States are of the view that the maintenance of the death penalty provides a deterrent for the most serious crimes,

and insert after the existing sixth preambular paragraph.

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Third Committee

Agenda item 70 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belarus, Botswana, China, Comoros, Dominica, Egypt, Eritrea, Grenada, Guyana, Jamaica, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Oman, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago and Yemen: amendment to draft resolution A/C.3/62/L.29

Moratorium on the use of the death penalty

Replace the sixth preambular paragraph with the following:

Taking note of the decisions taken by some Member States to voluntarily abolish the death penalty and by other Member States to apply a moratorium on executions,

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Moratorium on the use of the death penalty

1. In operative paragraph 2, replace the words "*Calls upon*" with the word "*Encourages*".

2. In operative paragraph 2 (a), replace the word "Respect" with the words "Take into account".

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Moratorium on the use of the death penalty

Replace operative paragraph 2 (b) with the following:

Make available to the public information with regard to the imposition of the death penalty;

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Moratorium on the use of the death penalty

Replace operative paragraph 2 (c) with the following:

Ensure that the death penalty can be carried out only pursuant to a final judgement rendered by a competent court;

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Moratorium on the use of the death penalty

Replace operative paragraph 2 (d) with the following:

Restrict the crimes for which the death penalty may be imposed to only the most serious ones in accordance with the law in force at the time of the commission of the offence;

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